

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 AID-05 CEA-01 CIAE-00 COME-00 EB-07

FRB-01 INR-07 NSAE-00 CIEP-02 SP-02 STR-04 TRSE-00

LAB-04 SIL-01 SAM-01 OMB-01 L-03 PA-02 PRS-01 USIA-15

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FM USMISSION EC BRUSSELS

TO SECSTATE WASHDC 0030

INFO ALL EC CAPITALS 1363

UNCLAS EC BRUSSELS 10537

E.O. 11652: N/A

TAGS: EGEN, EIND, EEC

SUBJECT: EUROPEAN COURT OF JUSTICE OVERTURNS COMMISSION DECISION
AGAINST GM

REF: A. USEC A-168, 29 APR 75, B. EC BRUSSELC 406, C. EC BRUSSELS
5282, 1974

1. ON NOV 13 THE EUROPEAN COURT OF JUSTICE IN LUXEMBOURG,
ANNULLED THE EC COMMISSION DECISION THAT GENERAL MOTORS CON-
TINENTAL N.V. OF ANTWERP HAD VIOLATED ARTICLE 86 OF THE ROME
TREATY (ABUSE OF DOMINANT POSITION) BY OVERCHARGING, IN A FEW
CASES, FOR THE CERTIFICATE OF CONFORMITY INSPECTION THAT IT
MADE ON "PARALLEL" IMPORTS OF OPEL VEHICLES INTO BELGIUM.
(PARALLEL IMPORTS ARE THOSE MADE BY INDIVIDUALS OR DEALERS OTHER
THAN OFFICIAL GM AGENTS.) THE COURT ALSO ANNULLED THE FINE OF
100,000 UNITS OF ACCOUNT (\$120,000) THAT THE COMMISSION HAD
IMPOSED ON GM CONTINENTAL.

2. WE HAVE NOT YET SEEN THE FULL DECISION OF THE COURT,
BUT A PRESS RELEASE (POUCHED TO EUR/RPE, ATTENTION BRESLER)
INDICATES THAT THE COURT, ALTHOUGH ACCEPTING THE POSSIBILITY OF
ABUSE OF A DOMINANT POSITION, FELT THAT SINCE GM HAD PROMPTLY
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REDUCED ITS CHARGES FOR THE INSPECTION TO THE REAL COST OF THE

INSPECTION AND HAD MADE REFUNDS TO THE SEVERAL PARTIES THAT HAD
BEEN OVERCHARGED, THERE HAD NOT BEEN AN ABUSE. MORRIS

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Message Attributes

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Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
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